

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

ILLUMINA, INC.,

Plaintiff,

v.

AFFYMETRIX, INC.,

Defendant.

Civil Action No. 09-cv-277-bbc
Civil Action No. 09-cv-665-bbc
(Consolidated)

STIPULATION AND PROPOSED ORDER

Whereas, the Preliminary Pretrial Conference Order states that the “parties may modify deadlines and procedures relating to experts by agreement”;

Whereas, the parties have agreed that the orderly disclosure of expert opinions relating to secondary considerations in connection with the issue of obviousness and acceptable non-infringing alternatives in connection with the issue of damages necessitates limited rebuttal expert reports;

Whereas, this stipulation will not affect any other deadlines established by the Court;

The parties hereby agree, subject to the approval of the Court, as follows:

1. Expert opinions relating to any secondary considerations that are asserted to support a finding of obviousness shall be disclosed in opening liability expert reports, currently due on August 2, 2010;

2. Expert opinions relating to any secondary considerations that are asserted to support a finding of nonobviousness, and responding to any secondary considerations identified

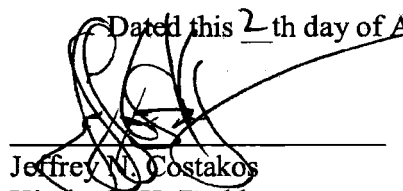
in reports described in paragraph 1, shall be disclosed in responsive liability expert reports, currently due on September 3, 2010;

3. Expert opinions limited to responding to any secondary considerations identified in reports described in paragraph 2 shall be disclosed in rebuttal liability expert reports, which shall be served by September 15, 2010;

4. Expert opinions supporting a contention that there exist acceptable non-infringing alternatives shall be due on November 12, 2010, the date responsive damages expert reports are currently due;

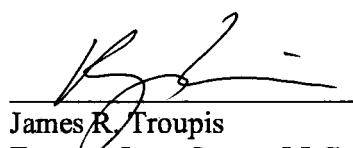
5. Expert opinions limited to responding to any acceptable non-infringing alternatives raised in the reports described in paragraph 4 shall be disclosed in rebuttal damages expert reports, which shall be served by November 23, 2010.

Dated this 2th day of August, 2010.


Jeffrey M. Costakos
Kimberly K. Dodd
Andrea M. Toldt
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 271-2400

Justin E. Gray
FOLEY & LARDNER LLP
150 East Gilman Street
Madison, WI 53701
(608) 257-5035

*Attorneys for Plaintiff
Illumina, Inc.*


James R. Troupis
TROUPIS LAW OFFICE LLC
7609 Elmwood Avenue, Suite 102
Middleton, WI 53562
(608) 807-4096

Ron E. Shulman
Roger J. Chin
Thomas Carmack
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California
(650) 493-9300

*Attorneys for Defendant
Affymetrix, Inc.*

Entered: _____

Dated: _____